IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 21904 of 2004(G)

PETITIONER:

M.K.SUSHEELAN, AGED 40 YEARS,
SON OF M.P.KUTTAN PILLAI, PRESIDENT, MADHYA VIRUDHA SAMITHI, ELAPPARA.

BY ADV. SRI.H.B.SHENOY,
SRI.B.ASHOK SHENOY.

RESPONDENTS:
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1. **THE ASSISTANT EXCISE COMMISSIONER,**
   EXCISE DIVISIONAL OFFICE, THODUPUZHA.

2. **THE KERALA STATE BEVERAGES**
   (MANUFACTURING AND MARKETING) CORPORATION LTD.,
   REPRESENTED BY ITS MANAGING DIRECTOR,
   THIRUVANANTHAPURAM.

3. **PALAIYA NADAR, X/116A, MALAVILAYIL**
   PUTHEN VEEDU, ELAPPARA.

4. **YESUDAS S/O. PALAIYA NADAR,**
   X/116A, MALAVILAYIL PUTHEN VEEDU, ELAPPARA.

BY ADV. SRI.K.P.DANDAPANI,
GOVERNMENT PLEADER SRI. K.V. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.21904/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION DTD. 20/07/2004 SUBMITTED BY PETITIONER TO R.1.

EXT.P.2: COPY OF THE CERTIFICATE NO.A 4/2/02 DTD. 13/09/2004 ISSUED BY THE SPECIAL GRADE SECRETARY, ELAPPARA GRAMA PANCHAYATH.

EXT.P.3: COPY OF THE CERTIFICATE NO. A4/2/2004 DTD. 02/09/2004 ISSUED BY THE SPECIAL GRADE SECRETARY, ELAPPARA GRAMA PANCHAYATH.

EXT.P.4: COPY OF THE CERTIFICATE DTD. 06/09/2004 ISSUED BY THE VICAR, INFANT JESUS ROMAN CATHOLIC CHURCH, ELAPPARA.

RESPONDENT'S ANNEXURES:

ANNEXURE A: PHOTOGRAPH OF THE BUILDING, EP IX/222 OF ELAPPARA PANCHAYATH REFERED TO IN THE STATEMENT.

ANNEXURE B: PHOTOGRAPH OF THE BUILDING, EP IX/244 OF ELAPPARA PANCHAYATH REFERRED TO IN THE STATEMENT.

ANNEXURE C: COPY OF THE ORDER NO. ID2-1755/04 DTD. 24/07/2004 OF THE ASSISTANT EXCISE COMMISSIONER, IDUKKI.

ANNEXURE D: PHOTOGRAPH OF THE VELANKANNI MATHA INFANT JESUS CHURCH, ELAPPARA, REFERRED TO IN THE STATEMENT.

ANNEXURE E: STATEMENT DTD. 29/07/2004 BY THE PRESIDENT, ELAPPARA GRAMA PANCHAYATH.

ANNEXURE F: STATEMENT DTD. 31/07/2004 BY THE SECRETARY, REVLUTIONARY SOCIALIST PARTY, PEERMADE MANDALAM COMMITTEE.

ANNEXURE G: STATEMENT DTD. 08/08/2004 BY THE MANDALAM SCRETARY, INDIAN NATIONAL CONGRESS (I) MANDALAM COMMITTEE, ELAPPARA.

ANNEXURE-R1.A: COPY OF THE REPORT BY THE CIRCLE INSPECTOR OF EXCISE, DTD. 26/07/2004.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.21904 of 2004

Dated 20th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ in the nature of prohibition or any other appropriate writ, order or direction restraining the 2nd respondent Corporation from shifting and/or running the Foreign Liquor Retail Shop No.FL1/99 run by them at Elappara to building bearing Door No.X.116A of Elappara Grama Panchayat."

It is seen from the statement that the building is not within the prohibited distance. In case the petitioner has any dispute with regard to the statement, he may pursue the matter in appropriate proceedings.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 20th July, 2007.